

REMARKS

Claim 1 has been amended by deleting oxygen from the definition of X to more clearly distinguish the claimed process from the disclosures of the cited references and thereby expedite allowance of the claims as amended. Claim 4 has been cancelled accordingly. Also, a minor editorial revision has been effected in claim 9. No 'new matter' has been added.

The claims have been rejected under 35 U.S.C. 103(a), for obviousness in view of the disclosures of (1) Kim et al., Tetrahedron Lett. (2001), 42, 2413 [item 3 on pages 2-3 of the Action] as well as in view of the combination of references (1) [see above], (2) Lee et al. Bull.Korean Chem. Soc. 2002, 23, p. 19-20 and (3) Williams et al. Chem. Rev. 1981, 81, 589-639 [item 4 on pages 3-4 of the Action]. These rejections, the only ones set forth in the Action, are respectfully traversed.

Neither Kim et al., nor the combination of its disclosure with those of Lee et al. and Williams et al. discloses or suggests that an efficient cyclization reaction can take place for compounds in which X is NR5 or sulfur.

Furthermore, Kim et al, especially the complete document (Tetrahedron Letters 40 (1999) 8201-8204) to which the Corrigendum cited by the Examiner relates, and the document Kim II et al. (Tetrahedron 57(2001) 7137-7142) show that the product of the cyclization reaction is very sensitive to changes in the starting material and the reaction conditions, e.g. the base used. From a review of these documents, a person skilled in the art could not predict with which position the TsCl would react (Lee et al. scheme 2). However, it is only if it reacts with the sulfur of the thiourea that the desired product would be obtained. Therefore, a person skilled in the art could and would not know which products are obtained by changing the nucleophilic properties of the group X by using NR5 or sulfur instead of oxygen, as he would not know where TsCl reacts in the new molecule.

Williams et al. only shows that nitrogen can be used as a nucleophile in reactions of carbodiimides. However, the important step, the reaction with the TsCl to form the carbodiimide, is not suggested at all. (As mentioned above and as shown in Lee et al. (scheme 2), this step decides which product is obtained.)

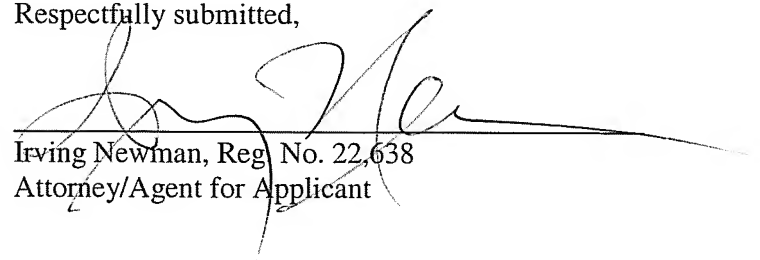
Therefore, the process described in the foregoing claims was not obvious in view of the mentioned documents. Rather, this combination of references could only arise from the impermissible hindsight view afforded by the disclosure of the present application.

CONCLUSION

Accordingly, reconsideration and withdrawal of all rejections set forth in the Action are earnestly solicited. Applicants respectfully submit that the claims, 1-3 and 5-9, as hereby amended, are now in condition for allowance, and respectfully request a notice to this effect.

The Commissioner is hereby authorized to charge any fees that are due with respect to this paper to Deposit Account No. 18-1982 for Aventis Pharmaceuticals Inc., Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,



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